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than was the ethic of social intercourse in the Dark Ages, tried by the abstract or Christian moralities then current. And though there are elements of amelioration, it seems perfectly likely that the process will be no quicker in the one case than it has been in the other.

Howsoever that may be, it seems warrantable to say that no Utopia worth sighing for will ever be realized until the ethic of opinion-making is overhauled all round with something of the austerity preached by Clifford, and with distinctly more vigilance than he practised. One of the first steps, I sometimes think, should be a writing of the history of philosophy afresh, to the end of noting the element and the quality of psychological or emotional bias in every leading thinker in turn,—the inherited habit, the degree of passion, the revolt against old dictation, the personal provocations, the financial and social interest. But there had need be few moles in the eye that seeks to make that survey.

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THE ETHICS OF FORGIVENESS.*

THE duty of forgiveness is a subject which obviously could not be thoroughly discussed without a previous investigation of the theory of punishment. The rationale of forgiveness must depend on the rationale of punishment. If I were to enter at any length upon such a discussion now, it would occupy all our time, and therefore I must be content with explaining and assuming a certain position in that matter without much argument, and then going on to apply it to the perhaps more difficult, and certainly less hackneyed, topic to which the present paper is devoted.*

This paper is written from the point of view of one who regards the retributive theory of punishment as irrational, immoral, and I may add wholly unchristian. The idea that

* A paper read before the Martineau Society in Manchester College, Oxford, March 3, 1899.

punishment can be an end in itself apart from the effect which it is to produce upon some spiritual being is to my mind inconsistent with the very idea of rational morality. Nothing can be an end in itself except some state of a conscious being, and to say that a state of conscious being is an end in itself is to say that it is good. The essence of punishment is the endurance of pain or some other evil. In spite of the high authorities that may be quoted for the contrary view, I venture, under the ægis of Plato and the many Christian thinkers who have found his ideas on this subject in essential harmony with the Christian temper, to maintain that an evil cannot under any circumstances become a good except relatively—either positively as a means to some intrinsic good or *ἐν φαρμάκῳ εἶδει* medicinally, by way of remedy against some worse evil. If it be said that punishment is a good as a means to the vindication or the assertion or the avenging of the Moral Law, I should venture to ask how an abstract “vindication” or “assertion” can be a good—how a mere event or occurrence in nature can be a good except in so far as it is the expression of some spiritual state or a means of producing such a state. Even the Moral Law itself is not an end in itself, but only souls or wills recognizing and regulating their action by the Moral Law. If it is said that the avenging of the Moral Law is right because it is the expression of the avenger’s indignation, that is an intelligible answer; and I freely admit that the expression and cultivation of indignation is one of the purposes of punishment, though this can be hardly regarded as an end in itself, but rather a means to an end,—the spiritual good of the man himself. But if punishment is to be justified on account of the good it does to the punisher, we have already gone some way towards the abandonment of the retributory theory in its ordinary form; and further a question arises as to the punisher’s right to inflict evil on another in order to cause

* I have already dealt with the “Theory of Punishment” in the pages of this JOURNAL (October, 1891).

good to himself. He—the punisher—is no doubt an end in himself, and is justified in seeking his own good; but what right has he to ignore another's good except as a means to some greater good of his own or of the society in which he lives? It will hardly be seriously contended that such and such a sentence of five years' penal servitude is to be justified because the pain involved is outweighed by the spiritual good which Mr. Justice So-and-so may have secured to himself by passing it. It may be suggested that it is justified because it is the expression of the indignation of society; that the sentence tends to promote in society a reverence for the law which the criminal has broken, or, again, that the punishment produces moral good in the offender. In either case we have now frankly abandoned the idea that punishment is an end in itself, and have adopted the view that it is a means to some good in society at large or to the criminal himself. It is true that the word "deterrence" hardly expresses adequately the fact that the good which punishment confers upon society is in part a spiritual good; that it tends not merely to deter men from committing crime, but to impress upon their minds the idea that crime is wrong,—something to be avoided and hated for its own sake. The word "reformation," again, hardly does justice to the idea that it is good for the criminal to feel the indignation of society, to feel the external effects of his wrong-doing; that that is itself a moral good in its way, one which it would be perhaps worth while (if we are to raise so abstract and unpractical a question) to promote, even if we knew that in this particular case it would not lead to that which is the ultimate object of punishment (so far as the criminal himself is concerned), the alteration of his will, the change of his character. It is at least good, as far as it goes, that the criminal should feel the external strength of the Moral Law, even if he cannot be made to feel or to respect its intrinsic authority. Both the "deterrent theory" and the "reformatory theory" are no doubt inadequate to express the whole truth about punishment. There is a side of punishment which might perhaps be best expressed by the term

“educational theory”; or, perhaps, all the aspects of punishment might be recognized at once by saying that the end of punishment is partly deterrent or utilitarian, and partly *ethical*.

It is sometimes supposed that the utilitarian view of punishment is inconsistent with a proper respect for human personality: it involves, we are told, the treatment of humanity as an end and not as a means. If by “utilitarian” theory is meant a view resting upon a hedonistic theory of ethics, I have nothing to say in its favor; if by “utilitarian” is meant simply a view which treats punishment as a means to some good, spiritual or otherwise, of some conscious being, I should entirely deny the justice of the criticism. In the first place I should contend that in a sense it is quite right and inevitable that we should treat humanity as a means. When a servant is called upon to black the boots of his master, or a soldier to face death or disease in the service of his country, society is certainly treating humanity as a means: the men do these things not for their own sakes, but for the sake of other people. Kant himself never uttered anything so foolish as the maxim which indiscreet admirers are constantly putting into his mouth, that we should never treat humanity as a means: what he did say was that we should never treat humanity *only* as a means, but always *also* as an end. When a man is punished in the interest of society, he is indeed treated as a means, but his right to be treated as an end is not thereby violated, if his good is treated as of equal importance with the end of other human beings. Social life would not be possible without the constant subordination of the claims of individuals to the like claims of a greater number of individuals; and there may be occasions when in punishing a criminal we have to think more of the good of society generally than of the individual who is punished. No doubt it is a duty to think also of the good of the individual so far as that can be done consistently with justice to other individuals: it is obviously the duty of the state to endeavor to make its punishments as far as possible reformatory as well as deterrent and educational to others. And how the reformatory

view of punishment can be accused of disrespect for human personality, because forsooth it uses a man's animal organism or his lower psychical nature as a means to the good of his higher self, I cannot profess to understand. The retributive view of punishment justifies the infliction of evil upon a living soul, even though it will do neither him nor any one else any good whatever. If it is to do anybody any good, punishment is not inflicted for the sake of retribution. It is the retributive theory, to my mind, which shows a disrespect for human personality by proposing to sacrifice human life and human well-being to a lifeless fetich styled the Moral Law, which apparently, though unconscious, has a sense of dignity and demands the immolation of victims to avenge its injured *amour propre*.

The real basis and stronghold of the theory which I am investigating is to be found in the undoubted psychological fact that the sense of indignation or resentment at wrong arises naturally and spontaneously in the human mind without any calculation of the personal or social benefits to be derived from gratifying it, and in the profound ethical conviction that for societies—though not always for individuals—it is morally good and healthy that this indignation should be encouraged and expressed. "Revenge, my friends," says Carlyle, "revenge and the natural hatred of scoundrels, and the ineradicable tendency to *revancher* oneself upon them, and pay them what they have merited; this is forevermore intrinsically a correct, and even a divine feeling in the mind of every man." Such language I could cordially adopt, though with the proviso (of which more hereafter) that this feeling is not so divine as the love which the best men do succeed in feeling towards the worst, and that it must not be allowed to extinguish that higher feeling. The feeling of indignation is a natural and healthy one,—natural and healthy, we may add, in partial correction of Carlyle, in proportion to its disinterestedness. It is one great purpose of the Criminal Law to give expression to this natural indignation against wrong. But law, in the discharge of its ideal function as *νοῦς ἀνεν πάθους*, seeks not

merely to express but to regulate, and to regulate with a view to an end. In the words of Sir James Stephen, "the criminal law regulates, sanctions, and provides a legitimate satisfaction for the passion of revenge; the criminal law stands to the passion of revenge in much the same relation as marriage to the sexual appetite." And in both cases the ultimate end of the regulation is to be found in a certain ideal of social well-being.

The mistake of the upholders of the retributive theory lies, as it seems to me, in representing a mere emotion or feeling—an emotion or feeling which in itself a good, an important element in every well-balanced character—for a judgment of the Moral Reason. The Moral Reason may often judge that the emotion should be freely indulged, though at other times it will no less emphatically pronounce that the most elementary requirements of social order demand its partial or entire restraint. The real question is whether it is right to punish simply because we feel inclined to do so, to gratify a natural passion simply because it is there, or whether in this, as in the case of other spontaneous emotions or desires (including the spontaneous impulses of affection and benevolence), we ought to regulate passion by reason, to act for an end, *i. e.*, for the promotion in ourselves and others of whatever we take to be the ideal kind of human life. How the existence of an instinctive resentment against personal wrong, or in good men against wrong to others or moral depravity, can suspend the one all-comprehensive duty of love to men (including, of course, ourselves) is a question which will, perhaps offer no difficulties to those philosophical moralists whose ethical system seems to consist in the mixture of a little truculent Theology borrowed from primitive Judaism with a good deal pure paganism; but which must, I think, be an embarrassing one to those Retributionists who profess any sympathy with Christian standards of Ethics. The most Christian of the Schoolmen (*e. g.*, Wycliffe) always maintained that God's punishments were, and man's should be, the expression of love.

And this remark brings me to the proper subject of this paper. It is one of the great embarrassments of the retributive theory that it is unable to give any consistent account of the duty of forgiveness and its relations to the duty of punishment. It is seldom that one finds anybody so logical as to maintain that it is always a duty to punish, and never right to forgive, at least till the wrong-doing has been expiated by punishment,—a theory which runs counter to a strongly felt and widely diffused ethical sentiment and which makes the First Offenders' Act a piece of immoral legislation. Others seem to have no answer to the difficulty but the admission: "Here are two inconsistent moral precepts: it is a duty to punish and a duty to forgive: it is impossible to lay down any general principle in the matter: you must do what you can in each case as it arises." Such an answer may satisfy those who think that morality consists simply of a collection of isolated impulses, intuitions, or particular judgments, which Reason is incapable of reducing to any consistent or intelligible whole. It will hardly satisfy those who believe that our ethical judgments can be reduced to a system, and that the emergence of apparent ethical antinomies simply shows that we have not yet succeeded in getting to a really fundamental ethical principle. The absence of internal contradiction, though by itself it will supply no adequate content for the Moral Law, we may surely venture (with Kant) to regard as a necessary condition of any law which can really claim to be moral. If the duty of punishment is to rest upon an *a priori* deliverance of the moral consciousness which pronounces that, be the consequences what they may, sin must be punished, it is difficult to see how forgiveness ever can be lawful. If punishment is sometimes right and sometimes wrong, on what principle are we to distinguish between the two classes of cases? That is the problem to which, as it appears to me, no intelligible answer can be given on the retributive theory, but which is not insusceptible of a solution on the basis of the utilitarian or educational view.

Among the very few moral philosophers who have bestowed

any serious attention upon this question of forgiveness is Bishop Butler. By him the duty of forgiveness is resolved into the duty of being "affected towards the injurious person in the same way in which any good men uninterested in the case would be if they had the same just sense, which we have supposed the injured person to have, of the fault. After which there will yet remain real good-will towards the offender" (Sermon IX.). The duty amounts to this: "that we should suppress that partial, that false self-love, which is the weakness of our nature; that uneasiness and misery should not be produced without any good purpose to be served by it; and that we should not be affected towards persons differently from what their nature and characters should require." "Resentment," he says again, "is not inconsistent with good-will; for we often see both together in very high degrees; not only in parents towards their children, but in cases of friendship and dependence, where there is no natural relation. These contrary passions, though they may lessen, do not necessarily destroy each other."

The duty of resentment and the duty of forgiveness are thus reduced to particular applications of the general law of promoting social well-being. It is our duty to make our own personal resentment subordinate to the general good of society, just as it is a duty to subordinate good-will towards individuals to the interests of other individuals. In determining whether we should resent or punish an injury (to ourselves or to others) or whether we should forgive, we should simply consider what is best for the interests alike of the individual himself and of society at large, the offender's good and the injured person's interest alike being assigned its due, and no more than its due, importance. The distribution (so to speak) of punishment and of forgiveness will alike be guided by the general principle of benevolence or good-will to society in general, the duty of promoting the greatest good on the whole,—guided and controlled by the Benthamite principles of "Equity," which will be generally accepted in the modified form, "everybody's good is of the same importance with

the like good of any other man." And here I may add, once more, that in the social well-being or good I assign a paramount place to moral well-being.

It may also be observed incidentally that on this view of the duty of forgiveness as simply a particular manifestation of the general duty of love, we are able to clear up an ambiguity about the meaning of forgiveness which often occasions some difficulty in discussions of this kind. We are often told that forgiveness is not inconsistent with punishment; that we may punish first and forgive afterwards, at least where punishment is a duty arising out of some public function or parental relation and not a mere gratification by legal or extra-legal means of resentment against private wrong. And this is quite true as far as it goes; forgiveness may mean simply the cessation of personal resentment after the exaction of whatever penalty may be demanded by considerations of social well-being and public duty. But, although in practice the adoption of this attitude may no doubt be easier in the public official than in the private person, it is impossible to draw a hard and fast line between punishment inflicted by the official in the discharge of public duty and the resentment exhibited by the private person, or between the vengeance which takes the form of legal prosecution and that which shows itself in private remonstrance or the refusal of social intercourse. Even legal punishment generally requires private initiation, and the same considerations of social well-being which require legal punishment in some cases require private resentment in others. It would be to the last degree disastrous to the well-being of any society whatever if individuals altogether ceased to show anger or to express resentment at personal rudeness or personal liberties or general want of respect for one another's personality; and from the nature of the case it is usually the injured party who must take the initiative in such resentment, though it may be that the ideal society would save him such a necessity by anticipating the resentment,—an ideal which is already approximately realized in groups of people among

whom good breeding is combined with the real good feeling of which good breeding is at the best the expression and at the worst the mere caricature.

All this shows that we cannot attain to the ideal combination of punishment with forgiveness by merely laying it down that in our public capacity we punish and in our private capacity forgive. Nor, again, can we merely say that the duty of forgiveness begins when the due punishment has been exacted. For what will forgiveness mean in this case? Are we to say that when the formal sentence has been served, it is the duty of the judge or of society generally to treat the criminal with the same cordiality with which we should have received him had he never offended? Undoubtedly society does not give its repentant criminals the fair chance that they may reasonably claim, but to say that we must treat them as though they had never done wrong or that former convictions should not aggravate the sentence is surely to demand what is impracticable and pernicious. Nor in private relations can we always be called upon to treat the man who has betrayed our trust—even after repentance or apology—as though he had not betrayed it; nor can a friend, after a quarrel which has revealed in him a character which we had not suspected, ever again be a friend in the same sense or degree as before, even after the most ample repentance or apology. Without, therefore, denying that there is a sense in which forgiveness may be combined with punishment, it is impossible to find for that forgiveness which is compatible with punishment a meaning more definite than this—that punishment should not exclude whatever kind of good-will can under the circumstances be properly combined with punishment. And that surely is something far too indefinite to satisfy the idea of forgiveness. It is impossible, in short, to get rid of the popular association of the idea of forgiveness with remission of penalty.

There is, then, a sense in which forgiveness is opposed to punishment. On the view that I have taken it will sometimes be a duty to punish and sometimes to forgive. In determining which we shall do in each particular case, the good man

—whether the private individual or the public official, who is after all only the representative of a society of individuals who are as much bound by the law of love in their corporate as in their individual capacity—will consider which, having regard to all the circumstances of the case, will best serve those social ends to which punishment and forgiveness alike are means. The ideal punishment would no doubt be one which was the best alike in the interests of society and of the individual. Under our present systems of legal punishment it is to be feared that this is an ideal not very often attained. A man has often to be punished in the interest of society whose own well-being would be best promoted by forgiveness. In such a case we must balance the interest of society against the interest of the individual, or rather perhaps what the society gains by the moral improvement of the particular individual against what it gains from the deterrent and educative effect of the punishment upon other individuals.

And upon this view of the relation of punishment to forgiveness, there is no absolute antagonism between that sense of forgiveness in which it is opposed to punishment and that sense in which it is compatible with punishment. Just the same considerations which impose the duty of punishment will limit the measure of it; just those same considerations which allow of the total remission of penalty in some cases will allow of some mitigation of it in other cases, and will impose in all cases the duty of showing whatever benevolence and good-will towards the offender is compatible with that measure of punishment which social duty demands. Punishment and forgiveness, when they are what they ought to be, being alike the expression of love, the mode and degree of their combination will likewise be only the application of the general precept of love to the circumstances of the particular case.

In the main, then, we may accept Bishop Butler's interpretation of the proper relation between punishment and forgiveness, and yet we cannot but feel that something is missed in this cool and calculating utilitarian analysis. We feel that there must be something more in forgiveness than the mere

limitation of vengeance by the demands of public welfare. The late Sir John Seeley, in one of the best chapters of "Ecce Homo," helps us to supply the deficiency. It is true that in its essence the duty of forgiveness is the duty of laying aside *private* or personal resentment,—of resenting the wrong because it is a wrong and not because I am the victim of it. But what Bishop Butler has missed is the fact that vengeance often loses its moral effect just because the avenger of the wrong is its victim, while forgiveness often strikes the heart just because the forgiver is the man who suffered by the wrong,—and therefore the man in whom it is hardest to forgive. The wronged man's forgiveness will often have a moral effect, awaken a gratitude and a penitence, which the forgiveness of the disinterested spectator or the remotely interested "society" would not secure. It is perfectly true, as Butler taught, that forgiveness is only a particular case of love; but he forgot that to a human being who has wronged his fellow, forgiveness is an infinitely more convincing proof of love than punishment can ever be, and may, therefore, touch the heart as punishment will seldom touch it. In the light of this principle nothing that has been said as to the duty of balancing the good effects of forgiveness against the good effects of punishment need be recalled; only, in choosing between them, this peculiar magic of the wronged person's forgiveness must needs be duly remembered.

I have been dealing with the question of forgiveness as a purely ethical problem, but, before I conclude, I cannot forbear to add a remark or two upon its theological applications. The foregoing principles will, I think, give us certain *τύποι περὶ θεολογίας* which it would be of the utmost importance to apply to the elucidation or (if need be) to the correction of our traditional Theology. I must be content with suggesting these theological applications in a few rather bald and dogmatic propositions:

(1) The forgiveness of God must not be represented as some separable accident (as it were) of the Divine Nature,—as a positive fact unconnected with the rest of the Divine

character,—which might quite well be absent without that character being any the less perfect, and which can only be accepted on the strength of some special supernatural assurance distinct from any general revelation of the character of God (in whatever sense such a revelation may be believed in), but as an essential element, as simply a particular manifestation of the supreme divine quality of love.

(2) We must not think of divine punishment and divine forgiveness as revealing contradictory attributes of the divine nature ; they are both of them expressions of the same character, the same changeless love or desire for the highest good of all creatures. We cannot, therefore, think of God as capriciously punishing where He might have served the ends of punishment by forgiveness, or as capriciously forgiving where a good end might have been served by punishment. Even the mediævals represented God's punishment as an act of love. Few of us will be able to follow them in conceiving of everlasting torments, allowing of no opportunity of repentance or amendment, as the expression of love ; and if so, our acceptance of their perfectly true view of punishment will compel an important revision of the traditional eschatology. Instead of inventing arbitrary schemes by which some are to be punished everlastingly and some to escape without punishment altogether, we shall simply repose in the faith that the souls of the dead are "in the hands of God," who loves them and will by whatever means—by pain if pain be needed or without pain if it be needed not—carry on in them the education which earthly life has begun.

(3) When we look upon punishment and forgiveness alike as different ways of producing a moral result, when we have got rid of the notion that punishment can be either demanded or justified except as a means of producing an effect, or that forgiveness can be legitimate except where forgiveness will do the work of punishment, there will be an end of theories which represent the work of Christ as some mysterious device for cancelling past guilt or remitting a penalty which might justly have been inflicted. The atoning efficacy of the life and

death of Christ will have to be found in their actual moral effects,—the actual effect made upon the human soul by Christ's teaching about God's Nature and God's Will, by the influence of His character, and by the conviction that in that human love of Christ there is a revelation of the Divine.

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THE RIGHTS OF ANIMALS.

I.

In a recent number of the *INTERNATIONAL JOURNAL OF ETHICS* there appeared a short notice of a little pamphlet of mine on "The Sanctity of Life," in which the critic concluded that "writers of the school of Mr. Salt seem to have an acquired incapacity for distinguishing between men and beasts." In view of the importance, from an ethical stand-point, of our relations to the lower animals, it may be of some interest to the readers of this *JOURNAL* to take a survey of the principle of Animals' Rights as it appeals to humanitarian minds.

Now instead of confusing men with other animals, we have often made objection to that popular method of describing animal life which consists in attributing to animals (as in Gay's "Fables," for example, or even, to take a modern instance, in Kipling's "Jungle Book") a number of quasi-human qualities, and making them "perform," so to speak, in human guise to tickle human vanity. We hold rather that animal life, to be really understood, will have to be studied, by sympathy, from within, and for its own sake, as Thoreau has remarked in a suggestive passage of his diaries:—

"How little we know of the inner life of animals! How few our facts are, and how little certain we are of them! What a huge book, and what an intensely interesting one, is waiting to be written on this subject by some great genius of the future! Surely it tells not a little for the in-curiosity and perhaps for the conceit of us humans that we have been taken up so entirely with our little selves for these many thousand years past . . . and all the time we have been acting as if we were alone in the world, and as if it were not inhabited by